

LAW SCHOOL DEVELOPMENTS

Once a year, this department will carry figures on law school registration. In addition it will provide a medium for the description of experiments in curriculum, teaching method, and administration. Like "comments," the typical law school development note will be characterized by brevity and informality; unlike them, it will be descriptive rather than argumentative and will deal primarily with devices which have been tested in actual operation.

THE INSTITUTE OF ADVANCED LEGAL STUDIES *

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English teachers of law have for many years cherished the hope that some day there would be established in London a centre for the promotion of post-graduate studies in law. A committee was appointed in 1932 by the then Lord Chancellor, Lord Sankey, to consider "the organization of legal education in England with a view to further provision for advanced research in legal studies." This committee, which was presided over by Lord Atkin, reported in 1934. It laid special emphasis on the need for an institution "which would be a headquarters for academic research and would promote the advancement of knowledge of the law in the most general terms." It stated further that the "experience of the Institute of Historical Research (which is part of the University of London) shows that the constitution of that University is sufficiently flexible to allow of direct association with the University of the city in which the Institute is placed without in any way prejudicing the co-operation either of other universities or of other bodies."

A further committee, under Lord Macmillan's chairmanship, was set up in 1938 to advise on the carrying out of the recommendation that an Institute of Advanced Legal Studies should be set up in London; but the work of this committee was interrupted by the outbreak of war.

The University of London in 1946 decided to set up, as part of its post-war development policy, the Institute of Advanced Legal Studies. Suitable premises have been provided and equipped at 25 Russell Square, near the London University Senate House. These were opened by the Lord Chancellor on June 11th, 1948. Plans are now being made to take over additional premises at 26 Russell Square.

The administration of the Institute has been entrusted by the Senate of the University to a Committee of Management presided over by Lord Macmillan. The committee also includes Lord du Parc, Professors Goodhart, Hollond, and Wortley, and Mr. R. E. Megarry, as well as senior law teachers in the University of London.

It is already becoming abundantly clear that the newly established Institute must aim at development along three main lines. In the first place, it

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must aim at the provision of adequate library facilities for research purposes. Secondly, it must aim at becoming the London meeting place of law teachers and legal research workers from universities and colleges not only in the United Kingdom, but also in other countries. Thirdly, the Institute must develop as a centre of formal instruction and training for post-graduate work.

LIBRARY FACILITIES

No one who has been privileged to inspect the marvellous libraries of the great American graduate law schools can have any doubt as to the prime importance of adequate library facilities in the field of legal research. "No doubt," as was declared by Lord Atkin's committee, "a large central library, completely equipped with the law books of all the ages, with adequate materials for the study of comparative law over the civilized world, would be the ideal instrument for research." But the proposal to build up such an all-inclusive library is even more impracticable today than it was in 1934. This does not, however, preclude the Institute from having as one of its long-term aims the building up of an almost comprehensive library in the common law of the British Commonwealth and a very full library in such other fields as American, Continental, and international law.

Present resources are limited and so a selective policy will have to be followed in the purchase of books. The immediate aim will be to acquire as soon as is practicably possible a good working library for post-graduate work in English law. At the same time an effort will be made to acquire standard Dominion, Colonial, American, and Continental works which are not already available in London.

At present the main series of law reports of the Dominions, with a few exceptions, are taken by various London libraries; but Colonial law reports are not quite so well represented, and not more than a third of the Dominion and Colonial treatises produced in the last ten years have been traced in London libraries. In the circumstances it is proposed that the Institute shall, in the first instance, acquire those reports and treatises that are not now available in London and shall ultimately aim at building up a complete collection of Dominion and Colonial law reports and statutes.

Of recent years there has grown up, particularly in the United States of America, a vast bulk of periodical legal literature. Nothing like a complete collection of this exists in England. Some well-known overseas periodicals such as the *Harvard Law Review*, the *Yale Law Journal*, and the *Columbia Law Review* will be found in most academic law libraries; but most of the other American reviews are not available in this country at all. Much of the material in these periodicals is merely of constitutional, administrative, or other local interest; but there will be found in them a substantial amount of first-class material of general interest on the common law. It is a great handicap for the research worker that these periodicals are not available for him in this country; and it puts him at a great disadvantage compared with his American counterpart. An effort is, therefore, being made immediately to acquire current issues of more than forty American periodicals of a general legal character, which are not available elsewhere in London, Oxford, or Cambridge.

There is a real need in London of a good library of foreign law such as exists in other capitals; and the Institute Committee plan to build up such a library as an aid to the study of comparative law. In the first instance foreign source material (such as codes and other types of legislation) will be acquired, and then will come the best available general textbooks or commentaries in each subject. These, it is hoped, will prove particularly valuable in the study of such modern branches of the Anglo-American legal system as industrial, administrative, and company law.

The Institute has already proved fortunate in its library benefactions. Under the will of Dr. Charles Huberich, an American lawyer of international repute, the University of London received—jointly with the Middle Temple, who generously gave up their interest—a valuable collection of works mainly on private and public international law and continental law. This collection became the nucleus around which the library began to be built. Shortly afterwards the Nuffield Foundation made a generous grant of £10,000 to build up a library of Dominion and Empire laws. This Dominion and Empire section will be known as The Nuffield Library. The Institute has also been enabled to purchase the greater parts of the libraries of the late Professor Buckland, the late R. M. C. Munro of Lincoln's Inn, and Professor Hazeltine.

Attention is drawn in the report of Lord Atkin's committee to the existence in London of "an unrivalled collection of material available for research, to be found not only in the Libraries of the University of London and its colleges, of the Inns of Court, the Law Society, and the Law Courts but also of the Privy Council, Foreign Office," and other Government Departments, "all available for use by accredited students." But this wealth of material is not easily available for research purposes, principally because there is no central place at which information can readily be obtained concerning the contents and distribution of the libraries. Lord Atkin's committee considered that one of the first steps in promoting legal research should be the formation of a central catalogue of the contents of the London law libraries. Bearing this in mind, the Librarian of the Institute has already begun to make a survey of London libraries' holdings in different kinds of legal literature. This survey has an immediate, two-fold purpose. In the first place, it will enable the Institute committee to carry out properly its selective short-term policy in purchasing books; and secondly, the information will form a nucleus around which may be built up in course of time a "union catalogue" of other libraries' holdings so that research workers can discover at once where the material they require may be found. A good deal of work has been done already on Dominion and Colonial law and it is hoped to complete and publish it before very long.

MEETING PLACE FOR LAW TEACHERS AND RESEARCH WORKERS

Perhaps not the least of the services that can be rendered by an Institute of Legal Studies situated in London is to provide a convenient meeting place for legal scholars from different parts of the world. Annual Meetings of the Society of Public Teachers of Law have helped to satisfy a real need so far as the general body of teachers of law in England, Wales, and Northern Ireland is concerned. But several of such law teachers have expressed a

desire to go a step further. They wish to see established in London a centre at which groups of law teachers could arrange to meet together, if not periodically, at least occasionally, for talks and discussions.

Further, there seems to be a growing desire among both British overseas lawyers and foreign lawyers for closer and more frequent contacts with English lawyers. It is very much hoped that the Institute of Advanced Legal Studies will be able to follow the admirable lead given in this direction by the Institute of Historical Research by bringing together from time to time legal scholars from different parts of the world to confer on matters of common interest. Conferences of this nature can be particularly fruitful in modern times. They can serve to disseminate information as to the laws of the different countries of the world. They can stimulate interest in the solution of particular legal problems in the light of experiences gained in different communities. They can pool information concerning different methods of training lawyers, and this at a time when there is a tendency growing in many countries to regard law schools as having responsibility not only for training would-be lawyers and law teachers, but also for stimulating interest in framing the policy of the law and the efficient administration of legal systems. Most important of all, perhaps, such conferences can help to dissipate national and racial misunderstandings and create a better background and atmosphere for international understanding and co-operation.

Experience in London for nearly a quarter of a century indicates that there is a considerable demand for a clearing centre, or for a centre participating in clearing arrangements, for the large numbers of students who come to this country from our overseas Dominions and Colonies and from many foreign countries. Many of these students arrive in this country without any clear view as to what they can or ought to do. Some have qualified professionally in their own country and desire to see something of British law practice, but they do not know where to turn for advice. Others desire to obtain a British professional qualification—they wish to pursue studies with a view to qualifying as barristers or solicitors. In such cases, it is obvious that the direction in which to turn for help and guidance is the Council of Legal Education and the Law Society.

An increasing number of students from overseas seem anxious to spend a period in Great Britain to study legal subjects at the universities, and many of them seek admission to the universities to pursue advanced legal studies. There is no one place in this country to which such students can turn for advice. So the staff of the Institute could assist in such cases by informing applicants where they can obtain relevant particulars and proper guidance. They may be able to go further in some cases by bringing the student into touch with the appropriate specialist in the subject of his choice.

A CENTRE FOR LEGAL RESEARCH

Not the least important development of the Institute must be as a centre in London of formal instruction and training for post-graduate work. Lord Atkin's committee referred in their report to a memorandum submitted to them by the Faculty of Law of the University of Cambridge, which indicated that research developments might be encouraged under the three main headings of Historical Legal Research, Comparative Legal Research, and Clinical

Legal Research. "By the last of these headings was meant the ad hoc investigation of rules of law and of equity in general with a view to their amendment by legislation where for one reason or another their present state is such as to produce anomalous or unjust results, or is calculated to lead to a degree of uncertainty which ought to be removed; in fact that kind of law reform or law revision which can be done and ought to be done by the legal profession itself." Lord Atkin's committee expressed the view that this purpose is adequately met by the establishment by the Lord Chancellor in January, 1934, of a Standing Committee on Law Revision. But it is doubtful whether this opinion is fully justified in the light of the terms of reference of the Law Revision Committee, for those terms are "to consider how far . . . such legal maxims and doctrines as the Lord Chancellor may from time to time refer to the Committee require revision in modern conditions." No machinery was set up for advising the Lord Chancellor or suggesting to him legal maxims or doctrines which might be referred for consideration.

As is pointed out by Lord Atkin's committee, the full importance of the case for advancement of comparative legal research has not yet been realised in England, with the result that in this respect we lag behind many of the Continental countries.

Professor Gutteridge in his recent book on comparative law has drawn special attention in the following passage to the kind of public service which the Institute can perform in the combined fields of clinical legal research and comparative legal research:

Law reform in its initial stages is not required to wait upon the convenience of the legislature and there appears to be no reason why certain of the most urgent problems in English law should not be the subject matter of comparative study in an anticipatory sense. Government departments are not likely to initiate enquiries of this nature, and they must therefore be undertaken by private enterprise either with or without the assistance of the State. The foundation of an Institute of Advanced Legal Studies might provide the necessary machinery for this purpose, though it would be undesirable to clothe a body of this nature with authority or privileges which might have the effect of damping down the enthusiasm of individual researchers or would discourage the development of comparative research in the universities.

For the promotion of historical legal research the Institute will work in close co-operation with the Institute of Historical Research, which also is within the University of London and which has been singularly successful in keeping close contacts with American historians.

The Scheme of Management of the Institute of Advanced Legal Studies provides that the general objects of the Institute are the prosecution and promotion of legal research and the training of graduate students in its principles and methods. With this end in view, classes and seminars will be conducted at the Institute for students registered at one of the Colleges recognised in the Faculty of Laws and reading for a higher degree in the University of London. Furthermore, the Committee of Management are authorised to admit to the Institute without payment any post-graduate students (whatever the University of which they may be members) engaged on approved research.

At the suggestion of Professor Wortley, and with the concurrence of the Society of Public Teachers of Law, the Institute has undertaken the collection and collation of particulars of legal research being carried on in this country, for which Professor Wortley has been responsible for a number of years. The Institute plans to issue annually a list of the research projects being pursued and to collect other information which may be helpful to intending research workers.

Modest though the Institute is in its beginnings, it is hoped that by keeping at all times to its main objects, by being prepared to offer advice and assistance to all engaged on legal research, and by readiness to co-operate with all other bodies aiming at the advancement of knowledge of the law, it will in due course grow into (in the words of Lord Atkin's committee) "a recognised headquarters for academic research."